

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION

LANNY MICHAEL OVERBY & DARLA JO OVERBY

CASE NO. 09-70638-HDH-13

AKA1:
DBA1:
SS#1: xxx-xx- 8853

AKA2:
DBA2:
SS#2: xxx-xx- 2638

REPORT OF 341 MEETING

I. 341 MEETING REPORT:

A. Orig. Date: 1/21/2010 Orig. Time: 11:00 AM Reset Date: Reset Time:

B. Meeting Results: Adjourned

C. Debtor(s): Debtor 1 Appeared Debtor 2 Appeared

D. Attorney for Debtor(s): Appeared

E. Creditor Appearance: None

F. Amount Paid to the Trustee as of 1/21/2010 \$1,406.00 First Payment Due Date: 1/16/2010

G. File Trustee's Motion to Dismiss because

H. B22C Information: B22C Form is: Complete
Budgeted Income: \$6,752.50 Expense: \$5,346.50 Surplus: \$1,406.00
Plan Payment: \$1,406.00 Monthly Plan Term(Months): 60

I. Value of Non-Exempt Property: \$0.00 Proposed Amount to Unsecured Creditors: \$0.00
Objection to Exemption of:
Repeat Filing (If case dismissed, it should be with prejudice) Previous Case Numbers:
Object to Invoke Stay Pleading
Case Converted from Chapter 7, Bar Date Set: 4/21/2010 Date Converted from Chapter 7:

J. Required Information: Good

K. Business Information:

L. Object to Confirmation: Yes
Sch I fails to include all income
Sch J lists excessive expenses
Failure to include all disposable income
-Acknowledge 100% to avoid all the objections listed above.
-\$52,344.60 Hardacre amount comes into play if an objection is filed.

M. Financial Management Class: Debtor 1 Appeared Debtor 2 Appeared

N. Eligibility:
Certificate of Credit Counseling Filed: Both Debtor 1 and Debtor 2
Credit Counseling Provider Approved: Yes
Debt Limits Exceeded (Secured-\$1,010,650; Unsecured-\$336,900): No

O. Domestic Support Obligation: \$0.00 Current: Arrears: \$0.00
Affidavit and Disclosure of Domestic Support Obligations Received: Yes

P. Remarks: Questions
-Overby Consulting or any other business in operation?
No
-Any active bank accounts other than personal?
No
-Must report & include business income.
-Was there, is there, or will there be any?
No
-WW is for \$1687, but plan payment is only scheduled to be \$1,406.
Corrected WW received 1/20/10

6308 Iola Avenue Lubbock, TX 79424

(806) 748-1980 Phone (806) 748-1956 Fax

- \$0.00 income from oil royalties in past 3 years? Sch A states \$0.00 value.

Correct no income in past 3 years

- Overby consulting has no cash, oil roalty, or land assets?

No

- Mr. Sch I should be \$8,046 per 12/1/09 YTD not \$7433.

November was less than usual because of a expected surgery

- Children contribute to household?

No

- Sch J lists excessive expenses

- National Standard for 5 is \$4,593, Sch J is \$5,346.50

- \$200 phone

Yes

- \$179 cable internet/home phone

Yes

- \$100 home maintenance for rented home

First \$100 of any problem and land lord pays the difference.

- \$465 auto insurance

Yes

- \$200 college expense

College classes while in high school.

Objections

- Sch I fails to include all income

- Sch J lists excessive expenses

- Failure to include all disposable income

- Acknowledge 100% to avoid all the objections listed above.

- \$52,344.60 Hardacre amount comes into play if an objection is filed.

Dated: 1/21/2010

/s/ Walter O'Cheskey

Standing Bankruptcy Trustee

By: Brent Hagen

Case Number:	09-70638
Debtor:	Overby
Attorney:	MJW
Presiding Officer:	Brent Hagan
Calculation Date:	1/21/2010 9:34

Domestic Support Input name from Plan	Arrears Enter amount from Plan	Int. Rate Enter from Plan	Term Per Plan	Calculated Monthly Payment	Total Pmt. Per Term of Plan
	\$0.00	0.00%	1	\$0.00	\$0.00
	\$0.00	0.00%	1	\$0.00	\$0.00

Secured Creditor/Collateral Input name from Plan	Value/Claim Amount Enter amount from Plan	Int. Rate Enter from Plan	Term Per Plan	Calculated Monthly Payment	Total Pmt. Per Term of Plan
	\$0.00	0.00%	1	\$0.00	\$0.00
	\$0.00	0.00%	1	\$0.00	\$0.00
	\$0.00	0.00%	1	\$0.00	\$0.00
	\$0.00	0.00%	1	\$0.00	\$0.00
	\$0.00	0.00%	1	\$0.00	\$0.00
	\$0.00	0.00%	1	\$0.00	\$0.00
	\$0.00	0.00%	1	\$0.00	\$0.00
	\$0.00	0.00%	1	\$0.00	\$0.00
	\$0.00	0.00%	1	\$0.00	\$0.00
	\$0.00	0.00%	1	\$0.00	\$0.00
	\$0.00	0.00%	1	\$0.00	\$0.00

Priority Creditor Input name from Plan	Value/Claim Amount Enter amount from Plan		Term Per Plan	Calculated Monthly Payment	Total Pmt. Per Term of Plan
IRS	\$33,318.58		44	\$757.24	\$33,318.58
	\$0.00		1	\$0.00	\$0.00
	\$0.00		1	\$0.00	\$0.00
	\$0.00		1	\$0.00	\$0.00
	\$0.00		1	\$0.00	\$0.00
	\$0.00		1	\$0.00	\$0.00
	\$0.00		1	\$0.00	\$0.00

Attorney Fees Paid Through the Plan	\$2,719.00				\$2,719.00
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Noticing Fees	\$90.24				\$90.24
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Clerk Filing Fees	\$0.00				\$0.00
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Hardacre Minimum	\$0.00	<div style="display: flex; align-items: center; justify-content: center;"> <div style="border-left: 1px solid black; padding-left: 10px;"> <div style="display: flex; align-items: center;"> <div style="margin-right: 10px;"><-----</div> <div style="margin-right: 10px;">Greater Of -----></div> <div style="margin-left: 10px;"><-----</div> </div> </div> </div>			
Chapter 7 Minimum (Gross)	\$0.00				
Less Trustee Fees	\$0.00				
Less Attorney Fees	\$2,719.00				
Less Noticing Fees	\$90.24				
Less Clerk Filing Fees	\$0.00				
Less Scheduled Priority Claims	\$33,318.58				
Less Other (Explain Below)	\$0.00				
Chapter 7 Minimum (Net)	\$0.00				

Total Scheduled General Unsecured Claims (Limits Greater of Hardacre or Chapter 7 Minimum)	\$34,303.65
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Calculated Base (Admin, Secured, Priority, DSO, Lower of Minimum or Sched U/S & Trustee Fee)	\$40,132.00
Debtor Plan Base (Monthly Payment X Term)	\$84,360.00
Surplus (Debtor Plan Base - Calculated Base)	\$44,228.00

Comments:

\$52,344.60 hardacre if objection is filed
 Acknowledge 100% to avoid any objections

Case Number:	0
Debtor:	0
Attorney:	0
Presiding Officer:	0
Calculation Date:	1/21/2010 9:34

Schedule I Gross Income		\$8,921.47
Less Line 57 B22C		\$8,049.06
Adjustments (Enter as positive to add, negative to subtract)		
		\$0.00
Adjustment out		(\$872.41)
Month Disposable Income Available		(\$0.00)
Multiplier		60
Minimum to Unsecureds		(\$0.00)

Comments: